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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,832	05/04/2001	Katsuakira Moriwake	450108-4484.2	2942

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NEW YORK, NY 10151

EXAMINER

LEWIS, ADAM M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

File

Office Action Summary

Application No.

09/849,832

Applicant(s)

MORIWAKE ET AL.

Examiner

Adam M. Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 92,93 and 134-142 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 92,93 and 134-142 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 138-141 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 138-141 recite, in some form, the limitation, "clips linked to the upper position of said modified edit resultant clip disable." Due to the indefiniteness of this phrase, it will be interpreted to mean: post-processing, the clips linked to the upper position will be represented by the clip in the upper position.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 92, 93, and 134-142 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler et al. ("Klingler," US# 5,404,316).

As per independent claim 92, Klingler teaches an editing system for producing the edit resultant clip by editing the supplied clip, comprising:

editing means for producing the edit resultant clip by applying the edit processing specified by an edit operator to the clip to be edited which is edit-processed (Klingler, col. 15, lines 1-8);

managing means for managing each clip with the hierarchical structure by linking said clip to be edited to said edit resultant clip as a lower clip, or by linking said edit resultant clip to said clip to be edited as an upper clip (Klingler, col. 7, lines 64-68; col. 8, lines 1-12); and

control means for controlling said editing means based on the information managed by said managing means (inherent in Klingler, col. 7, lines 64-68; col. 8, lines 1-12).

Independent claims 93 and 134-136 are similar in scope to claim 92, and are therefore rejected under similar rationale.

As per independent claim 137, Klingler teaches a clip management method for an editing device editing the supplied clip, comprising the steps of:

applying the first edit processing specified by an edit operator to the clip to be edited which is to be edit-processed, to produce the first edit resultant clip (Klingler, col. 15, lines 1-8);

managing with the hierarchical structure said clip to be edited and said first edit resultant clip by linking said clip to be edited to said edit resultant clip as a lower clip or

linking said edit resultant clip to said clip to be edited as an upper clip (Klingler, col. 7, lines 64-68; col. 8, lines 1-12);

applying the second edit processing specified by an edit operator to said first edit resultant clip, to produce the second edit resultant clip (Klingler, col. 15, lines 1-8); and

managing with the hierarchical structure said clip to be edited, said first edit resultant clip, and said second edit resultant clip, by linking said first edit resultant clip to said second edit resultant clip as a lower clip or linking said second edit resultant clip to said first edit resultant clip as an upper clip (Klingler, col. 7, lines 64-68; col. 8, lines 1-12). Klingler allows the user to use the same edited clip in multiple storyboards, therefore allowing a hierarchy in which a post-processed clip is ordered below another post processed clip as claimed.

As per independent claim 138, Klingler teaches an editing system for editing the clip to be edited, comprising:

editing means for applying the edit processing specified by an edit operator to the clip to be edited to produce the edit resultant clip (Klingler, col. 15, lines 1-8);

managing means for managing with the hierarchical structure all clips by linking said edit resultant clip and said clip to be edited so as to be in the up and low relation (Klingler, col. 7, lines 64-68; col. 8, lines 1-12); and

control means for controlling said managing means, when the content of said edit resultant clip is modified, so as to make all clips linked to the upper position of said modified edit resultant clip disable based on the information managed by said managing means (Klingler, col. 8, lines 21-26).

As per independent claim 139, Klingler teaches an editing method for editing the clip to be edited, comprising the steps of:

applying the edit processing specified by an edit operator to the clip to be edited to produce the edit resultant clip (Klingler, col. 15, lines 1-8);

managing with the hierarchical structure all clips by linking said edit resultant clip and said clip to be edited so as to be in the up and low relation each other (Klingler, col. 7, lines 64-68; col. 8, lines 1-12); and

when the content of said edit resultant clip is modified, making all clips linked to the upper position of said modified edit resultant clip disable (Klingler, col. 8, lines 21-26).

Independent claims 140 and 141 are similar in scope to claim 139, and are therefore rejected under similar rationale.

As per independent claim 142, Klingler teaches an editing method for editing the clip to be edited, comprising the steps of:

applying the edit processing specified by an edit operator to said clip to be edited to produce the edit resultant clip (Klingler, col. 15, lines 1-8);

managing with the hierarchical structure all clips by linking said edit resultant clip and said clip to be edited so as to be in the up and low relation each other (Klingler, col. 7, lines 64-68; col. 8, lines 1-12); and

newly producing said modified edit resultant clip and all edit resultant clips linked to the upper position of said modified edit resultant clip (Klingler, col. 8, lines 21-26).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rayner (US# 5,388,197) teaches a video editing system operator interface for visualization and interactive control of video material.

Mills et al. (US# 5,237,648) teaches an apparatus and method for editing a video recording by selecting and displaying video clips.

Rayner (US# 5,519,828) teaches a video editing operator interface for aligning timelines.

MacKay et al. (US# 5,148,154) teaches a multi-dimensional user interface.

Duffy et al. (US# 5,339,393) teaches a graphical user interface for displaying available source material for editing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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